

RESPONSE UNDER 37 C.F.R. § 1.116

EXPEDITED PROCEDURE – Art Unit 3714

Attorney Docket No. 333628002US

REMARKS

Claims 1-18 and 20-25 are pending. Reconsideration and withdrawal of the rejections set forth in the Office Action dated July 2, 2004, are respectfully requested.

I. Amendments

Claims 1 and 15 have been amended to correct typographical errors.

II. Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-18 and 20-25 under 35 U.S.C. § 103(a). The following table provides specific information regarding the Examiner's § 103 rejections:

Claims	§ 103 Rejections
1, 2, 3, 7-16, 21, 22, 24, and 25	Over U.S. Patent No. 5,727,950 ("Cook") in view www.real.com , RealPlayer Basic 5.0, February 1998. ("RealPlayer").
18	Over Cook in view of RealPlayer in further view of U.S. Patent No. 6,505,031 ("Slider").
4, 6, 17, 20, and 23	Over Cook in view of RealPlayer in further view of U.S. Patent No. 6,347,943 ("Fields").
5	Over Cook in view of RealPlayer in further view of Fields in further view of Slider.

The Manual of Patent Examining Procedure (MPEP) states that,

To establish a *prima facie* case of obviousness, three basic criteria must be met. *First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.* Second, there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.*

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE – Art Unit 3714
Attorney Docket No. 333628002US

(MPEP § 2143, 8th Ed., emphasis added.)

With all due respect, the July 2, 2004 Office Action does not establish a *prima facie* case of obviousness. The Office Action does not provide motivation to combine Cook and Real Player. The Office Action also lacks discussion of several of applicant's claim elements. Examples of such claim elements are shown the tables below.¹

¹ Silence regarding a position taken, or argument made, by the Examiner does not indicate any acquiescence to that position or argument. Furthermore, arguments made with respect to a particular claim or claims apply only to that claim or claims, and not to other claims, unless specifically noted herein.

RESPONSE UNDER 37 C.F.R. § 1.116

EXPEDITED PROCEDURE – Art Unit 3714

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Claim #	EXAMPLES OF CLAIM ELEMENTS NOT ADDRESSED AND ABSENT IN APPLIED REFERENCES
1	wherein at least one of the one or more executable applications is downloaded onto the client computer at the same time the online course material is provided;
1	wherein the virtual picture frame application causes a display of a virtual picture frame on at least one of the one or more pages for presenting information for online remote educational courses,
1	at the client computer, presenting the virtual picture frame surrounding a display of at least a portion of the textual information for the selected course in a central portion of a page displayed using the browser interface of the browser-type application, wherein the textual information for the selected course requires the user to access at least one of the executable applications or a portion of the remote information;
15 & 16	wherein for each client computer, at least one of the executable applications is provided for download onto the client computer at the same time online course material is provided via the computerized network, and wherein the online course material is provided by the server computer system via the computer network in response to a request by the browser-type application;
15, 16 & 22	wherein the virtual picture frame surrounds the data relevant to the selected online educational course and includes one or more buttons with associated links to the executable applications on the client computer and one or more buttons with associated links to course-related online information accessed over the computerized network,
15	wherein at least one of the executable applications automatically provides customized executable problems associated with the selected online educational course in response to user selection of one of the buttons.
25	wherein at least one button is associated with executable code on the client computer configured to present in the first portion problems to be solved by a user under the remote educational course selected by the user,
25	wherein at least a portion of the executable code is downloaded onto the client computer at the same time the online course material is provided and wherein a second button is associated with online reference material relevant to the remote educational course selected

RESPONSE UNDER 37 C.F.R. § 1.116
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Attorney Docket No. 333628002US

	by the user, wherein a portion of the reference material relevant to the remote educational course selected by the user is displayable within the first portion
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Because the above claim elements are not addressed in the July 2, 2004 Office Action, or in a previous Office Action, the applicant respectfully asserts that a case of prima facie obviousness is lacking. Accordingly, the burden remains on the Examiner to factually support a conclusion of obviousness, or withdraw the present rejections.

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the prior art. A Notice of Allowance is, therefore, respectfully requested. Examiner Sotomayor is encouraged to

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE – Art Unit 3714
Attorney Docket No. 333628002US**

contact the undersigned by telephone at (206)359-3925 to discuss the distinctions between the claims and the applied references if desired.

Respectfully submitted,
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